COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service Since 1850"

DATE: July 14, 2020
FILE No. 2403571
ARB No. 022-17

OFFICE CORRESPONDENCE

FROM: TANIA GIGGLES, SERGEANT
ADVOCACY UNIT

TO: WILLIAM E. JAEGER, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: [redacted], DEPUTY SHERIFF, EMPLOYEE NO. [redacted]

On May 18, 2016, Deputy [redacted] received his Letter of Intent notifying him that it was the intention of the Department to suspend him without pay from his position of Deputy Sheriff, Item No. 2708A, with this Department for a period of five (5) days.

On May 27, 2016, Deputy [redacted] filed a grievance. The grievance was denied throughout the process. On January 3, 2017, Deputy [redacted] received his Letter of Imposition notifying him that he was suspended without pay from his position of Deputy Sheriff, Item No. 2708A, with this Department for a period of five (5) days effective January 9, 2017 through January 13, 2017.

On January 18, 2017, Deputy [redacted] filed a request for arbitration with the Employee Relations Commission. On March 20, 2017, the Employee Relations Commission granted him a hearing. There were two days of hearing. Arbitrator Robert D. Steinberg was appointed to this matter.

On June 9, 2020, Arbitrator Robert D. Steinberg rendered the following award: The Department did not have just cause to suspend Grievant for five (5) days. The appropriate remedy is to reduce the suspension to a one (1) day suspension, make Grievant whole for his four days loss of earnings, and appropriately amend his record to reflect the reduced number of charges found sustained and the imposition of lesser discipline.

Therefore, Deputy [redacted] shall be reimbursed for four (4) suspension days that he served on January 10, 11, 12, 13, 2017, as soon as practicable. His one (1) day suspension will be deemed served effective January 9, 2017.

Please make any necessary changes in your records and to PRMS to reflect the attached Arbitrator's Award. If you have any questions regarding this matter, please contact me at (323) 890-5413.

TG:liz

Attachments

March 30, 2018

Deputy Gregory Rodriguez, #

Dear Deputy Rodriguez:

AMENDED LETTER OF IMPOSITION

On February 22, 2017, you were served with a Letter of Imposition under File Number 2403571, notifying you that you were suspended without pay from your position of Deputy Sheriff, Item No. 2708A, with the Department for a period of seven (7) days.

On March 19, 2018, the discipline was reduced pursuant to a Settlement Agreement. All Departmental records will reflect that you received a five (5) day suspension. The five (5) day suspension will be deemed served March 6, 2017 through March 10, 2017.

In accordance with the Agreement, you have agreed to complete the training course – Officer Survival Class for Field Operations (TAS I) (8 hours) as soon as practicable, but no longer than one (1) year from the date of execution of this Agreement ending March 18, 2019.

Pursuant to the Settlement Agreement and the investigation under IAB File Number 2403571 conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of the Department's Manual of Policy and Procedures Section 3-10/050.15, Performance to Standards – Performance Associated with the Use of Force and/or 3-10/150.00, Tactical Incidents, on or about June 24, 2014, while on duty, you failed to conform to the work standards established for your rank of a patrol trained deputy sheriff when you failed to employ sound tactical principles that led up to

a tactical dilemma, resulting in a force incident, as evidenced by, but not limited to the following:

a. failing to communicate, coordinate and/or contain the movement of an erratic driver/suspect, resulting in you and/or your partner, Deputy [redacted] being placed in an unsafe position of advantage prior to engaging the suspect's vehicle; and/or,

b. placing yourself in harm's way by running around the front of the suspect's vehicle, upon exiting your patrol vehicle, to gain a perceived position of advantage; and/or,

c. failing to maintain observation and/or communication with Deputy [redacted] during a tactical dilemma; and/or,

d. positioning yourself and/or your partner in a potentially dangerous crossfire scenario.

2. That in violation of the Manual of Policy and Procedures Sections 3-01/050.10, Performance to Standards and/or 3-01/030.10, Obedience to Laws, Regulations and Orders, (as it pertains to 5-09/210.00, Pursuits, and/or 5-09/210.02, Initiation of a Pursuit), on or about June 24, 2014, while on duty, you failed to adhere to Department protocols and/or conform to standards established for your rank of a patrol trained deputy sheriff when you had reasonable suspicion to believe the driver of a vehicle you were following appeared to be avoiding apprehension by way of evasive driving tactics as evidenced by, but not limited to the following:

a. failing to notify the station watch commander via the Sheriff's Communication Center, that you were engaged in a vehicle pursuit; and/or,

b. failing to request additional and/or appropriate resources, including, but not limited to, additional units, a sergeant, and/or Aero Bureau assistance; and/or,

c. failing to maintain a safe distance between your patrol vehicle and the suspect's vehicle.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

JIM McDONNELL, SHERIFF

Josie S. Woolum, Captain
Internal Affairs Bureau

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

JW:MB:liz

c: Advocacy Unit
Employee Relations
Joseph M. Gooden, Central Patrol Division
Personnel Administration Bureau
Compton Station/Unit Personnel File
Internal Affairs Bureau (File #2403571)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service Since 1850"

DATE: March 22, 2018
FILE No. 2403571
CSC No. 17-43

CONTENTS NOTED J. WOOLUM

OFFICE CORRESPONDENCE

for

FROM: MONICA BOTELLO, SERGEANT
ADVOCACY UNIT

TO: JOSIE S. WOOLUM, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: GREGORY RODRIGUEZ, DEPUTY SHERIFF, EMPLOYEE NO. [redacted]

On May 18, 2016, Deputy Gregory Rodriguez was given his Letter of Intent notifying him that it was the intention of the Department to suspend him without pay from his position of Deputy Sheriff, Item No. 2708A, with this Department for a period of seven (7) days.

On May 25, 2016, Deputy Rodriguez filed a grievance on his seven (7) day suspension. The grievance was denied throughout the process. On February 22, 2017, Deputy Gregory Rodriguez was given his Letter of Imposition notifying him that he was suspended without pay from his position of Deputy Sheriff, Item No. 2708A, with this Department for a period of seven (7) days effective March 6, 2017 through March 12, 2017.

On February 22, 2017, Deputy Rodriguez appealed his seven (7) day suspension to the Civil Service Commission. On May 10, 2017, the Civil Service Commission granted him a hearing. Hearing Officer Charles Post was appointed.

On March 19, 2018, the Department and Deputy Rodriguez entered into a Settlement Agreement wherein, both parties agree and understand the seven (7) day suspension shall be reduced to a five (5) day suspension.

The five (5) suspension days will be deemed imposed from March 6, 2017, through March 10, 2017.

Deputy Rodriguez shall be reimbursed back pay for two (2) suspension days he served from March 11, 2017 to March 12, 2017, pursuant to the Los Angeles County Code, and as soon as practicable.

Both parties agree and understand Deputy Rodriguez' records shall reflect the five (5) day suspension was imposed and may be used for the purposes

of demonstrating "progressive discipline." The Department's Performance Recording and Monitoring System shall state, "Founded, 5-day suspension." Deputy Rodriguez understands that he may be subject to additional discipline for any future founded violation of the Department's Manual of Policy and Procedures.

The Department orders Deputy Rodriguez to attend and complete the below listed training course, on-duty and at Department's expense, and he understands that failure to complete the course and assignment may result in additional discipline:

- Officer Survival Class for Field Operations (TAS I) (8 hours)

The Department may reasonably adjust Deputy Rodriguez' schedule to participate in the mandated training course, as training is conducted on-duty.

Deputy Rodriguez agrees to reasonably cooperate with his Unit Commander to complete the course as soon as practicable, but no longer than one (1) year from the date of execution of this Agreement.

Please make any necessary changes in your records and to PRMS to reflect the attached Settlement Agreement. If you have any questions regarding this matter, please contact me at (323) 890-5312.

MB:liz

Attachments

SETTLEMENT AGREEMENT

This Agreement is entered into between the Los Angeles County Sheriff's Department, hereinafter referred to as "Department," and Gregory Rodriguez, Deputy Sheriff, Employee No. [redacted] hereinafter referred to as "Deputy Rodriguez".

The Department and Deputy Rodriguez are interested parties in the investigation under Internal Affairs Bureau No. 2403571 and Los Angeles County Civil Service No. 17-43. Both parties desire to resolve all disputes arising out of the investigation and arbitration, to avoid litigation, and avoid further administrative process upon the terms and conditions hereinafter set forth.

NOW, THEREFORE, the Department and Deputy Rodriguez, for and in consideration of the mutual covenants contained herein, agree as follows:

1. Both parties agree and understand the seven (7) day suspension shall be reduced to a five (5) day suspension.

2. The five (5) suspension days will be deemed imposed from March 6, 2017, March 10, 2017.

3. Deputy Rodriguez shall be reimbursed back pay for two (2) suspension days he served from March 11, 2017, to March 12, 2017, pursuant to the Los Angeles County Code, and as soon as practicable.

4. Both parties agree and understand Deputy Rodriguez's records shall reflect the (5) day suspension was imposed and may be used for the purposes of demonstrating "progressive discipline". The Department's Performance Recording and Monitoring System shall state, "Founded, 5-Day Suspension." Deputy Rodriguez understands that he may be subject to additional discipline for any future founded violation of the Department's Manual of Policy and Procedures.

5. The Department orders Deputy Rodriguez to attend and complete the below listed training course, on-duty and at Department's expense, and he understands that failure to complete the courses and assignment may result in additional discipline:

   - Officer Survival Class for Field Operations (TAS I) (8 hours)

6. The Department may reasonably adjust Deputy Rodriguez's schedule to participate in the mandated training course, as training is conducted on-duty.

7. Deputy Rodriguez agrees to reasonably cooperate with his Unit Commander to complete the courses as soon as practicable, but no longer than one (1) year from the date of execution of this Agreement.

8. Deputy Rodriguez will withdraw his appeal to the Los Angeles Civil Service Commission (CSC. No. 17-43) within ten (10) business days of the execution of this Agreement. Deputy Rodriguez further agrees to waive any and all further administrative or judicial remedies with respect to the Letter of Imposition and the modified discipline. This waiver shall include, but not be limited to, appeals to the Los Angeles County Civil Service Commission and/or the Los Angeles County Employee Relations Commission.

9. The parties further agree that this Settlement Agreement shall not be considered, cited, or used in future disputes as establishing past precedent or past employment practice. This Agreement resolves the dispute between Deputy Rodriguez and the Department and is not to be applied to any other facts or disputes.

10. In consideration of the terms and conditions set forth herein, Deputy Rodriguez agrees to fully release, acquit and forever discharge the Department, and all present and former officers, employees and agents of the Department, and their heirs, successors, assigns and legal representatives from any and all liability whatsoever for any and all claims arising out of or connected with the investigation under Internal Affairs Bureau case No. IV2403571 and CSC case No.17-43.

11. Insofar as it relates to all unknown, unanticipated, known, or anticipated claims arising out of Internal Affairs Bureau investigation No. 2403571, Deputy Rodriguez further agrees to relinquish and expressly waives all rights conferred upon him by the provisions of the California Civil Code Section 1542, which reads as follows:

   "A *general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor.*"

12. The parties agree to accept and interpret facsimile signatures as good and valid for all signing purposes in this Settlement Agreement and Release.

13. The date of the last signature placed hereon shall hereinafter be known as the "date of execution" and the "effective date" of this Agreement.





COUNTY OF LOS ANGELES
HALL OF JUSTICE
JIM MCDONNELL, SHERIFF

May 18, 2016

Deputy Gregory Rodriguez, #[redacted]

Dear Deputy Rodriguez:

You are hereby notified that it is the intention of the Sheriff's Department to suspend you without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of seven (7) days.

An investigation under IAB File Number 2403571, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of the Manual of Policy and Procedures section 3-10-050.15, Performance to Standards – Performance Associated with the Use of Force and/or 3-10/150.00, Tactical Incidents, on or about June 24, 2014, while on duty, you failed to conform to the work standards established for your rank of a patrol trained deputy sheriff when you failed to employ sound tactical principles that led up to a tactical dilemma, resulting in a force incident, as evidence by, but not limited to the following;

   a. failing to communicate, coordinate and/or contain the movement of an erratic driver/suspect, resulting in you and/or your partner, Deputy [redacted] being placed in an unsafe position of advantage prior to engaging the suspect vehicle; and/or,

b. placing yourself in harms-way by running around the front of the suspect vehicle, upon exiting your patrol vehicle, to gain a perceived positon of advantage; and/or,

c. failing to maintain observation and/or communication with Deputy [redacted] during a tactical dilemma; and/or,

d. positioning yourself and/or your partner in a potentially dangerous crossfire scenario.

2. That in violation of the Manual of Policy and Procedures Sections 3-01/050.10, and/or 03-01/030.10, Obedience to Laws, Regulations and Orders, (as it pertains to 5-09/210.00, Pursuits, and/or 5-09/210.02, Initiation of a Pursuit), on or about June 24, 2014, while on duty, you failed to adhere to Department protocols and/or conform to standards established for your rank of a patrol trained deputy sheriff when you had reasonable suspicion to believe the driver of a vehicle you were following appeared to be avoiding apprehension by way of evasive driving tactics as evidenced by, but not limited to the following:

   a. failing to notify the station watch commander via the Sheriff's Communication Center, that you were engaged in a vehicle pursuit; and/or,

   b. failing to request additional and/or appropriate resources, including, but not limited to, additional units, a sergeant, and/or aero bureau assistance; and/or,

   c. failing to maintain a safe distance between your patrol vehicle and the suspect vehicle.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

Prior to determining this disciplinary action, the Executive Force Review Committee and I have thoroughly reviewed the incident and your record with

this Department.

You have the right to grieve this disciplinary action within ten (10) business days of receipt of this letter. Your grievance procedures may be found in your classification's negotiated Memorandum of Understanding.

Failure to respond to this Letter of Intent within ten (10) business days will be considered a waiver of your right to grieve and will result in the imposition of this discipline indicated herein.

At the time of service of this letter of intent, you were provided with a copy of the material on which the discipline is based. If you are unable to access the information provided in the enclosed CD, you may contact Tamora Johnson, of Internal Affairs Bureau, at (323) 890-5098, and arrange an appointment for assistance in this regard.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

JIM McDONNELL, SHERIFF

Michael E. Thatcher, Compton
Compton Station

MET:JMR:tj

cc: Advocacy Unit
Employee Relations Unit
Bobby D. Denham, Chief, Central Patrol Division
Internal Affairs Bureau
(File # IAB 2403571)

January 3, 2017

Date of Department Hire

Deputy #



Dear Deputy

On May 18, 2016, you were served with a Letter of Intention indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under IAB File Number 2403571. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond. However, after review and consideration of the response submitted to support your position, Department executives determined that the recommended discipline is appropriate.

You are hereby notified that you are suspended without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of five (5) days effective January 9, 2017 through January 13, 2017.

An investigation under File Number IAB 2403571, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of the Manual of Policy and Procedures Section(s) 3-01/050.10 Obedience to Laws, Regulations and Orders, (as it relates to 3-10/050.15, Performance to Standards – Performance Associated with the Use of Force and/or 3-10/150.00, Tactical Incidents, and/or 3-10/220.00, Use of Firearms Against Vehicles and/or Occupants or Vehicles), on or about June 24, 2014, while on duty, you failed to conform to the work standards established for your

rank of a patrol trained deputy sheriff when you failed to employ sound tactical principles that led up to a tactical dilemma, resulting in a use of force incident, as evidenced by, but not limited to the following;

a. failing to communicate, coordinate and/or contain the movement of an erratic driver/suspect; and/or,

b. failing to account for and/or compensate for the positioning of your partner, Deputy Rodriguez, who was on the other side of the suspect vehicle, prior to discharging your duty firearm; and/or,

c. placing yourself and Deputy Rodriguez in an inherently dangerous crossfire scenario, upon firing your duty weapon; and/or,

d. failing to exercise reasonable judgement and use alternatives to discharging your duty weapon at the rear windshield of an occupied vehicle and/or discharging your weapon at a windshield that had limited ability to see within the vehicle.

2. That in violation of the Manual of Policy and Procedures Sections 03-01/030.10, Obedience to Laws, Regulations and Orders, (as it pertains to 5-09/210.00, Pursuits, and/or 5-09/210.02, Initiation of a Pursuit), and/or 3-01/050.10, Performance to Standards, on or about June 24, 2014, while on duty, you failed to adhere to Department protocols and/or conform to standards established for your rank of a patrol trained deputy sheriff when you had reasonable suspicion to believe the driver of a vehicle you and Deputy Rodriguez were "following" appeared to be under the influence of an illegal substance and/or under the influence of alcohol, and/or avoiding apprehension by way of dangerous/evasive driving tactics as evidenced by, but not limited to the following:

a. failing to notify the station watch commander via the Sheriff's Communication Center, that you and Deputy Rodriguez were engaged in a vehicle pursuit; and/or,

b. failing to request additional and/or appropriate resources, including, but not limited to, additional units, a sergeant, and/or Aero Bureau.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

Prior to determining this disciplinary action, the Executive Force Review Committee and I have thoroughly reviewed the incident and your record with this Department.

You will hereby take notice that any future acts of misconduct may result in more severe disciplinary action.

You may appeal the Department's action in this matter pursuant to Rule 18.01(c) of the Civil Service Rules.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

JIM McDONNELL, SHERIFF

Original Signed

Joseph E. Dempsey, Captain
Custody Investigative Services

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures and Civil Service Rules {when applicable}.

JED:JMR:pc

cc: Advocacy Unit
Eric G. Parra, Chief, Custody Services Division-General Population
Internal Affairs Bureau
Personnel Administration
Jail Investigations Unit/Unit Personnel File



OFFICE OF THE SHERIFF



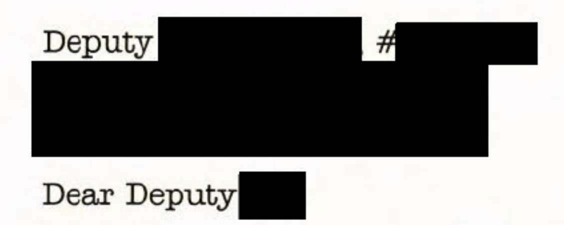
COUNTY OF LOS ANGELES

HALL OF JUSTICE

JIM MCDONNELL, SHERIFF

May 18, 2016

Deputy , #



Dear Deputy

You are hereby notified that it is the intention of the Sheriff's Department to suspend you without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of five (5) days.

An investigation under IAB File Number 2403571, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of the Manual of Policy and Procedures Section(s) 3-01/050.10 Obedience to Laws, Regulations and Orders, (as it relates to 3-10/050.15, Performance to Standards - Performance Associated with the Use of Force and/or 3-10/150.00, Tactical Incidents, and/or 3-10/220.00, Use of Firearms Against Vehicles and/or Occupants or Vehicles), on or about June 24, 2014, while on duty, you failed to conform to the work standards established for your rank of a patrol trained deputy sheriff when you failed to employ sound tactical principles that led up to a tactical dilemma, resulting in a use of force incident, as evidenced by, but not limited to the following;

   a. failing to communicate, coordinate and/or contain the movement of an erratic driver/suspect; and/or,

b. failing to account for and/or compensate for the positioning of your partner, Deputy Rodriguez, who was on the other side of the suspect vehicle, prior to discharging your duty firearm; and/or,

c. placing yourself and Deputy Rodriguez in an inherently dangerous crossfire scenario, upon firing your duty weapon; and/or,

d. failing to exercise reasonable judgement and use alternatives to discharging your duty weapon at the rear windshield of an occupied vehicle and/or discharging your weapon at a windshield that had limited ability to see within the vehicle.

2. That in violation of the Manual of Policy and Procedures Sections 03-01/030.10, Obedience to Laws, Regulations and Orders, (as it pertains to 5-09/210.00, Pursuits, and/or 5-09/210.02, Initiation of a Pursuit), and/or 3-01/050.10, Performance to Standards, on or about June 24, 2014, while on duty, you failed to adhere to Department protocols and/or conform to standards established for your rank of a patrol trained deputy sheriff when you had reasonable suspicion to believe the driver of a vehicle you and Deputy Rodriguez were "following" appeared to be under the influence of an illegal substance and/or under the influence of alcohol, and/or avoiding apprehension by way of dangerous/evasive driving tactics as evidenced by, but not limited to the following:

   a. failing to notify the station watch commander via the Sheriff's Communication Center, that you and Deputy Rodriguez were engaged in a vehicle pursuit; and/or,

   b. failing to request additional and/or appropriate resources, including, but not limited to, additional units, a sergeant, and/or Aero Bureau.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

Prior to determining this disciplinary action, the Executive Force Review Committee and I have thoroughly reviewed the incident and your record with this Department.

You have the right to grieve this disciplinary action within ten (10) business days of receipt of this letter. Your grievance procedures may be found in your classification's negotiated Memorandum of Understanding.

Failure to respond to this Letter of Intent within ten (10) business days will be considered a waiver of your right to grieve and will result in the imposition of this discipline indicated herein.

At the time of service of this letter of intent, you were provided with a copy of the material on which the discipline is based. If you are unable to access the information provided in the enclosed CD, you may contact Jacqueline Powell, of Internal Affairs Bureau, at (323) 890-5311, and arrange an appointment for assistance in this regard.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

JIM McDONNELL, SHERIFF

Original Signed

Milton N. Murphy, Commander
Custody Investigative Services

MNM:JMR:jp

cc: Advocacy Unit
Employee Relations Unit
Chief Eric G. Parra, Custody Services Division – General Population
Internal Affairs Bureau
(File # IAB 2403571)

DISPOSITION WORKSHEET

Re: SH2358120 / IV2403571
Subject: [redacted] #[redacted]
Investigator: Dave Ladjevic, Internal Affairs Bureau
Advocate: Julia M. Valdes, Advocate

DISPOSITION OF CHARGES

The following potential charges were prepared by the Advocacy Unit. Please indicate your disposition of the potential charges, and put any additional sustained charges (with reference to the investigation) on attached sheet(s).

Potential Charge(s):

The evidence in this investigation supports the following charges:

1. That in violation of Manual of Policy and Procedures Section(s) 3-01/050.10 Obedience to Laws, Regulations and Orders, (as it relates to 3-10/050.15, Performance to Standards – Performance Associated with the Use of Force and/or 3-10/150.00, Tactical Incidents, and/or 3-10/220.00, Use of Firearms Against Vehicles and/or Occupants or Vehicles), on or about June 24, 2014, while on duty, Subject [redacted] failed to conform to the work standards established for his rank of a patrol trained deputy sheriff when he failed to employ sound tactical principles that led up to a tactical dilemma, resulting in a use of force incident, as evidenced by, but not limited to the following;

    a. failing to communicate, coordinate and/or contain the movement of an erratic driver/suspect; and/or,

    b. failing to account for and/or compensate for the positioning of his partner, Deputy Rodriguez, who was on the other side of the suspect vehicle, prior to discharging his duty firearm; and/or,

    c. placing himself and Deputy Rodriguez in an inherently dangerous crossfire scenario, upon firing his duty weapon; and/or,

    d. failing to exercise reasonable judgement and use alternatives to discharging his duty weapon at the rear windshield of an occupied vehicle and/or discharging his weapon at a windshield that had limited ability to see within the vehicle.

2. That in violation of Manual of Policy and Procedures Sections 03-01/030.10, Obedience to Laws, Regulations and Orders, (as it pertains to 5-09/210.00, Pursuits, and/or 5-09/210.02, Initiation of a Pursuit), and/or 3-01/050.10, Performance to Standards, on or about June 24, 2014, while on duty, Subject [redacted] failed to adhere to Department protocols and/or conform to standards established for his rank of a patrol trained deputy sheriff when he had reasonable suspicion to believe the driver of a vehicle he and Deputy Rodriguez were "following" appeared to be under the influence of an illegal substance and/or under the influence of alcohol, and/or avoiding apprehension by way of dangerous/evasive driving tactics as evidenced by, but not limited to the following:

   a. failing to notify the station watch commander via the Sheriff's Communication Center, that he and Deputy Rodriguez were engaged in a vehicle pursuit; and/or,

   b. failing to request additional and/or appropriate resources, including, but not limited to, additional units, a sergeant, and/or Aero Bureau.

Evidence Reference:

____

Defenses/Conflicting Evidence:

____

Disposition:

__X__ Charge founded as delineated
_____ Charge founded as modified
_____ Charge unresolved
_____ Charge unfounded

Discipline Assessment

Review of Applicable Guidelines for discipline Section:

The Department's Guidelines for Discipline (Revised December 14, 2009) lists the following Analogous misconduct with associated disciplinary penalties:

Conduct	**Standard Discipline**
Obedience to Laws, Regulations and Orders	W/R to Discharge
Performance to Standards Performance Associated with the Use of Force	W/R to Discharge
Initiation of a Pursuit/Pursuit	One Day to Fifteen Days

Determination of Discipline:

Based upon the attached assessment of mitigating and aggravating factors, the following discipline has been determined to be appropriate. This discipline is subject to revision upon receipt of the subject's response of grievance.

_____ **Discharge**
_____ **Reduction in Rank**
_X__ **Suspension with loss of pay and benefits for __5__ days**
____ **Written Reprimand**
_____ **No discipline**

Assessment of Mitigating and Aggravating Factors:

The following describe the mitigating and aggravating factors in the determining the discipline in this investigation. Those factors include:

Intent	Truthfulness
Past Performance	Severity of Infraction
Degree of Culpability	Acceptance of Responsibility
Disciplinary History	Other Factors

Management has considered the subject's performance, which is documented in the Subject's Department personnel file, and those documents not contained in that file which are attached to the disposition worksheet.

DISPOSITION WORKSHEET

Re:	SH2358120 / IV2403571
Subject:	Gregory Rodriguez, #
Investigator:	Dave Ladjevic, Internal Affairs Bureau
Advocate:	Julia M. Valdes, Advocate

DISPOSITION OF CHARGES

The following potential charges were prepared by the Advocacy Unit. Please indicate your disposition of the potential charges, and put any additional sustained charges (with reference to the investigation) on attached sheet(s).

Potential Charge(s):

The evidence in this investigation supports the following charges:

1. That That in violation of Manual of Policy and Procedures section 3-10-050.15, Performance to Standards – Performance Associated with the Use of Force and/or 3-10/150.00, Tactical Incidents, on or about June 24, 2014, while on duty, Subject Rodriguez failed to conform to the work standards established for his rank of a patrol trained deputy sheriff when he failed to employ sound tactical principles that led up to a tactical dilemma, resulting in a force incident, as evidence by, but not limited to the following;

    a. failing to communicate, coordinate and/or contain the movement of an erratic driver/suspect, resulting in Subject Rodriguez and/or his partner, Deputy being placed in an unsafe position of advantage prior to engaging the suspect vehicle; and/or,

    b. placing himself in harms-way by running around the front of the suspect vehicle, upon exiting his patrol vehicle, to gain a perceived positon of advantage; and/or,

    c. failing to maintain observation and/or communication with Deputy during a tactical dilemma; and/or,

    d. positioning himself and/or his partner in a potentially dangerous crossfire scenario.

2. That in violation of Manual of Policy and Procedures Sections 3-01/050.10, and/or 03-01/030.10, Obedience to Laws, Regulations and Orders, (as it pertains to 5-09/210.00, Pursuits, and/or 5-09/210.02, Initiation of a Pursuit), on or about June 24, 2014, while on duty, Subject Ramirez failed to adhere to Department protocols and/or conform to standards established for his rank of a patrol trained deputy sheriff when he had reasonable suspicion to believe the driver of a vehicle he was following appeared to be avoiding apprehension by way of evasive driving tactics as evidenced by, but not limited to the following:

    a. failing to notify the station watch commander via the Sheriff's Communication Center, that he was engaged in a vehicle pursuit; and/or,

    b. failing to request additional and/or appropriate resources, including, but not limited to, additional units, a sergeant, and/or aero bureau assistance; and/or,

    c. failing to maintain a safe distance between his patrol vehicle and the suspect vehicle.

Evidence Reference:

____

Defenses/Conflicting Evidence:

____

Disposition:

__X__ **Charge founded as delineated**
_____ **Charge founded as modified**
_____ **Charge unresolved**
_____ **Charge unfounded**

Discipline Assessment

Review of Applicable Guidelines for discipline Section:

The Department's Guidelines for Discipline (Revised December 14, 2009) lists the following Analogous misconduct with associated disciplinary penalties:

Conduct	**Standard Discipline**
Obedience to Laws, Regulations and Orders	W/R to Discharge
Performance to Standards Performance Associated with the Use of Force	W/R to Discharge
Initiation of a Pursuit/Pursuit	One Day to Fifteen Days

Determination of Discipline:

Based upon the attached assessment of mitigating and aggravating factors, the following discipline has been determined to be appropriate. This discipline is subject to revision upon receipt of the subject's response of grievance.

_____ **Discharge**
_____ **Reduction in Rank**
_X__ **Suspension with loss of pay and benefits for __7__ days**
____ **Written Reprimand**
_____ **No discipline**

Assessment of Mitigating and Aggravating Factors:

The following describe the mitigating and aggravating factors in the determining the discipline in this investigation. Those factors include:

Intent	Truthfulness
Past Performance	Severity of Infraction
Degree of Culpability	Acceptance of Responsibility
Disciplinary History	Other Factors

Management has considered the subject's performance, which is documented in the Subject's

Department personnel file, and those documents not contained in that file which are attached to the disposition worksheet.

Table of Contents

IAB # SH2358120

MISCELLANEOUS DOCUMENTS

- Administrative Rights/Force/Shooting Review Form
- Employee Training Records
- Compton Station In-Service, PM Shift, dated 6/24/2014



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

JACKIE LACEY • District Attorney
JOHN K. SPILLANE • Chief Deputy District Attorney
JOSEPH P. ESPOSITO • Assistant District Attorney

SCOTT K. GOODWIN • Director

May 20, 2015

Captain Rod Kusch
Homicide Bureau
Los Angeles Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

RE: J.S.I.D. File #14-0428
L.A.S.D. File #014-08224-2824-013

Dear Captain Kusch:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the June 24, 2014, fatal shooting of Antoine Hunter and non-fatal shooting of Geremy Evans by Los Angeles County Sheriff's Department (LASD) Deputies [redacted] and Gregory Rodriguez. We have concluded that Deputies [redacted] and Rodriguez acted lawfully in self-defense and defense of others.

The District Attorney's Command Center was notified of the shooting at 11:59 p.m., on June 24, 2014. The District Attorney Response Team, comprised of Deputy District Attorney Kimberly Toney and District Attorney Senior Investigator Richard McIntosh, responded to the location. They were given a briefing regarding the circumstances surrounding the shooting and a walk-through of the scene.

The following analysis is based on investigative reports, forensic science firearms analysis reports, photographic evidence and witness statements prepared by LASD and submitted to this office by LASD Sergeant Robert Gray. The voluntary statements of Deputies [redacted] and Rodriguez were considered in this analysis.

FACTUAL ANALYSIS

On June 24, 2014 at approximately 9:50 p.m., Deputies [redacted] and Gregory Rodriguez were stopped at a red light, southbound at the intersection of Long Beach Boulevard and Rosecrans Avenue in the City of Compton when they observed Antoine Hunter drive his vehicle eastbound on Rosecrans Avenue. Geremy Evans sat in the front passenger seat. Hunter made a sharp U-turn in the intersection nearly striking the curb. Hunter stopped to back up his vehicle to complete the U-turn, and quickly accelerated speeding off westbound on Rosecrans Avenue. [redacted] and Rodriguez began to follow Hunter and drove westbound onto Rosecrans Avenue. While driving in the number

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one lane, Hunter bypassed the left turn lane and made an abrupt left turn into a residential neighborhood onto Sloan Avenue. As Hunter made the left turn, two vehicles traveling eastbound on Rosecrans Avenue in the number one and two lanes slammed on their brakes to avoid a collision with Hunter's vehicle.

After waiting for the traffic to clear, the deputies turned southbound to follow Hunter. Hunter, who drove approximately 30 to 35 miles per hour and was approximately 200 feet ahead of the deputies, drove through a posted stop sign at the intersection of Elm Street at Sloan Avenue. Rodriguez activated the patrol car overhead emergency lights and activated the passenger side spot light. Hunter continued south to the intersection of Sloan Avenue and Palmer Street failing to stop at the posted stop sign and turned eastbound onto Palmer Street. As Hunter drove eastbound on Palmer Street towards Poinsettia Avenue, he drove the vehicle in the westbound lane and made a quick turn in a northbound direction as if he was going to turn north on Poinsettia Avenue. However, Hunter immediately veered the vehicle back and continued traveling eastbound on Palmer Street. Hunter then quickly turned northbound onto Poinsettia and collided with a parked car at the northeast corner of Palmer Street and Poinsettia Avenue.

Rodriguez stopped the patrol car on the driver's side of Hunter's car, so the patrol car's right front fender was nearly even with Hunter's rear bumper. Rodriguez and exited the patrol car. Rodriguez drew his service weapon and ran northeast around the parked car towards the passenger side of Hunter's vehicle. drew his service weapon and stood between the open passenger door and the patrol vehicle. Hunter revved his engine, backed his car into the passenger side of the patrol car and rocked the vehicle back and forth. Rodriguez and repeatedly yelled for Hunter and Evans to stop, to not move and to show their hands.

Hunter continued to drive his car in reverse, turning the front end of his car into the passenger door of the patrol car, causing the door to begin to close. who remained behind the passenger door of the patrol car, became pinned against the car frame and stood approximately two feet away from Hunter as he sat in the driver's seat. Hunter reached around his waistband, continued to rev the engine and drive in reverse. Rodriguez observed Hunter pull out what appeared to be the butt of a handgun. fired one round at Hunter and Rodriguez fired four to five rounds at Hunter. ran to the rear of Hunter's vehicle. and Rodriguez again commanded Hunter and Evans not to move. While stood behind Hunter's vehicle, Hunter revved the engine. fired two additional rounds through Hunter's rear window, and Rodriguez simultaneously fired additional rounds at Hunter.[2] Hunter stopped revving his engine and the car was no longer moved.

and Rodriguez detained Hunter and Evans and prevented individuals from approaching the scene until additional deputies arrived.[3]

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[1] The patrol car's passenger side mirror was pushed in and there was paint transfer along the passenger side panel, which matched the paint on Hunter's vehicle.
[2] A surveillance camera located at E. Palmer Street was recording at the time of the deputy-involved shooting but did not capture the incident.
[3] During the deputy-involved shooting, Evans moved from the front passenger seat to the rear seat of the vehicle.

A .357 magnum revolver, loaded with six live rounds, was found between Hunter's left hip and the driver's seat.[4]

Compton Fire Department Paramedic Shon Halverson arrived, rendered medical aid and pronounced Hunter dead at 10:04 p.m. On June 26, 2014, Deputy Medical Examiner Ajay Panchal performed a postmortem examination of his remains and determined that he suffered multiple gunshot wounds. The wounds were located in his head, left arm, left hand and left leg. Paramedics transported Evans to St. Francis Medical Center where he was treated for gunshot wounds in his right thigh and right shoulder. Evans survived his wounds.

Statement of Deputy [redacted]

On June 24, 2014 [redacted] was the passenger in a marked patrol car driven by his partner, Deputy Gregory Rodriguez. [redacted] and Rodriguez were stopped at a red light southbound at the intersection of Long Beach Boulevard and Rosecrans Avenue. [redacted] saw Antoine Hunter drive a vehicle eastbound on Rosecrans Avenue and make a sharp U-turn in the intersection nearly striking the curb. Hunter backed the vehicle up to complete the U-turn, quickly accelerated and sped off westbound on Rosecrans Avenue. Intending to conduct a traffic stop, [redacted] and Rodriguez drove westbound onto Rosecrans Avenue when [redacted] saw Hunter make an abrupt left turn into a residential neighborhood onto the first available street.[5] As Hunter made the left turn, two vehicles traveling in the number one and two lanes eastbound on Rosecrans Avenue abruptly stopped to avoid a collision with Hunter's vehicle.

The deputies turned southbound to follow Hunter after waiting for traffic to clear.[6] Hunter, who was approximately 200 feet ahead of the deputies, drove through a posted stop sign at the intersection of Elm Street and [redacted] activated his passenger spot light.[7] Hunter continued south to the intersection of Sloan Avenue and Palmer Street, failed to stop at the posted stop sign and turned eastbound onto Palmer Street. As Hunter drove eastbound on Palmer Street towards Poinsettia Avenue, he drove the vehicle in the westbound lane and made a quick turn in a northbound direction as if he was going to turn north on Poinsettia Avenue. However, Hunter immediately veered the vehicle back and continued traveling eastbound on Palmer Street. Hunter then quickly turned northbound onto Poinsettia, collided into a parked car at the northeast corner of Palmer Street and Poinsettia Avenue.

Rodriguez stopped the patrol car on the driver's side of Hunter's car, so the patrol car's right front fender was nearly even with Hunter's rear bumper. [redacted] exited the car, drew his service weapon and stood between the open passenger door and the patrol vehicle. Hunter's window was partially open and [redacted] told Hunter and Evans to turn off the vehicle and not to move. Hunter began to drive his car in reverse, turning the front end of his car into the passenger door of the patrol car causing it to

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[4] Multiple witnesses observed various portions of the incident. None of the witnesses saw the actions of Hunter or Evans immediately before the shooting.
[5] [redacted] could not recall the name of the street.
[6] Due to the distance between the vehicle and the patrol car [redacted] was unable to see Hunter's vehicle license plate to run its status at that time.
[7] [redacted] ran Hunter's vehicle license plate number which revealed that it had not been reported as stolen.

partially close.[8] As Hunter drove in reverse became pinned between the passenger door of the patrol car and the door frame. stood approximately two feet next to Hunter. While was pressed between the patrol car and door frame, he saw Hunter moving around and reaching around his waistband with both hands. also heard Hunter's car engine rev as if Hunter was still trying to drive in reverse. again told Hunter to turn the car off and to stop moving. Fearing that Hunter was arming himself with a handgun to shoot and kill him, or that he would be crushed and seriously injured, fired one round at Hunter.[9]

managed to free himself from behind the passenger door and ran behind Hunter's vehicle. Rodriguez had come around the passenger side of Hunter's vehicle as Hunter accelerated the vehicle. and Rodriguez continuously commanded Hunter and Evans not to move. As stood behind Hunter's vehicle, he heard Hunter rev the engine. Fearing that he would be struck by the vehicle or that Hunter would shoot him, fired two additional rounds through the rear windshield at Hunter. Simultaneously, Rodriguez fired two additional rounds towards the car.

attempted to notify Sheriff's Communication Center (SCC) via his hand held radio to send assistance but the radio malfunctioned. ran to Rodriguez and used his radio to contact SCC. A crowd formed and approached Hunter's vehicle. prevented members of the crowd from getting too close until additional patrol units arrived. Assisting units took Evans into custody and secured the scene.

Statement of Deputy Gregory Rodriguez

On June 24, 2014, Rodriguez drove himself and his partner, Deputy in a marked patrol car. Rodriguez and drove southbound on Long Beach Boulevard towards the intersection of Rosecrans Avenue when he observed Hunter driving eastbound on Rosecrans Avenue. Hunter made a three-point turn and sped off westbound on Rosecrans Avenue. Rodriguez began to follow Hunter and drove westbound onto Rosecrans Avenue. Hunter, who drove in the number one lane, made an abrupt turn southbound onto Sloan Avenue, bypassing the left turn lane. As Hunter turned onto Sloan Avenue, Hunter nearly collided with two vehicles traveling eastbound on Rosecrans in the number one and two lanes. The vehicles slammed on their brakes to avoid colliding with Hunter.

Rodriguez waited for the traffic to clear and turned southbound onto Sloan Avenue. Hunter drove through the intersection at Sloan Avenue and Elm Street without stopping for the posted stop sign at about 30 to 35 miles per hour. Believing Hunter may have been driving under the influence of alcohol or drugs, Rodriguez activated his overhead emergency lights to conduct a traffic stop. Failing to stop at another posted stop sign, Hunter turned eastbound at the intersection of Sloan Avenue and Palmer Street, and began driving in the westbound lane of travel. Hunter maneuvered his car as if he was going to turn northbound on Poinsettia Avenue, straightened the vehicle as if to

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[8] believed that as Hunter drove his car in reverse, he turned the car's wheels in such a manner that Hunter's car struck the patrol car.

[9] service weapon malfunctioned and he could not recall if he fired the round before or after he cleared his weapon.

continue eastbound on Palmer Street, and then immediately drove the car in a northbound direction on Poinsettia. Unable to fully complete the northbound turn, Hunter collided with a vehicle parked at the east curb of Poinsettia and Palmer Street.

Rodriguez avoided a collision with Hunter's vehicle by swerving the patrol car around to the driver's side of Hunter's car and stopping slightly behind it. Rodriguez exited the patrol car, drew his service weapon and ran in a northeast direction around the parked car that Hunter had struck. As Rodriguez ran to the passenger side of Hunter's vehicle, Hunter backed up his car and collided into the patrol car. Rodriguez immediately began to yell out to Hunter and Evans to put their hands up, place their hands on the dash and not to move. Hunter revved his engine and rocked his vehicle back and forth, while Rodriguez and [redacted] repeatedly yelled for Hunter and Evans to stop and show their hands.[10]

While looking through Hunter's front windshield and partially opened passenger window, Rodriguez focused his attention on Hunter and observed him reach his right hand towards the driver's side door. Hunter pulled up what appeared to be the brown butt of a handgun. Simultaneously, Hunter revved his engine and tried to back up the vehicle, pinning [redacted] between the patrol car passenger door and Hunter's vehicle.[11] Rodriguez heard a single gunshot and believed that Hunter had fired a round at [redacted] Fearing for [redacted] life as Hunter continued to reverse his vehicle, Rodriguez fired four to five rounds at Hunter. While Hunter continued to rev the engine and drive in reverse, Rodriguez believed [redacted] was going to be crushed by Hunter's vehicle. Rodriguez fired additional rounds at Hunter's vehicle, emptying his magazine. Rodriguez inserted a new magazine into his service weapon and heard that Hunter's vehicle had stopped revving. Rodriguez and [redacted] detained Hunter and Evans until assisting units arrived. Hunter, who was not moving, remained in the driver's seat. Evans exited the rear passenger door and was taken into custody by assisting deputies without further incident.

Statement of Geremy Evans

Evans gave a Mirandized statement to LASD detectives on June 25, 2014.[12] Evans said he was the sole passenger in Hunter's vehicle. Hunter made an "illegal left" at the intersection of Rosecrans Avenue and Long Beach Boulevard and drove westbound on Rosecrans Avenue. Evans did not initially see the deputies because he was under the influence of marijuana. The deputies drove behind Hunter's car and Evans and Hunter agreed to "ride that shit out together".[13] Evans denied that Hunter was trying to evade the police, but was trying to pull over to a safe place. Evans also initially denied knowing that there was a gun in the car. Hunter tried to stop his vehicle and crashed into a parked car. After the crash, Evans and Hunter raised their hands in the air. Evans kept his

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[10] Rodriguez was uncertain whether Hunter was trying to separate his vehicle from the parked car that he had struck or the patrol car.
[11] Rodriguez was not asked to clarify whether [redacted] was standing in the area between the opened patrol car passenger door and the frame of the patrol car or between the door of the patrol car and Hunter's car.
[12] Evans told the detectives that an unknown deputy questioned him about Hunter prior to his Mirandized statement. There is no documentation about the circumstances of the statement.
[13] Evans said he knew that he could get in trouble because he had marijuana in his pocket and believed that Hunter may have had drugs in the car.

hands in the air. The deputies detained them at gunpoint and yelled at them not to move. Evans and Hunter did not move. The deputies repeatedly asked, "Where the fuck is the gun?" and Hunter and Evans denied having a gun. Hunter yelled, "Fuck!" and hit the steering wheel with his hand. Evans believed Hunter's car backed up. Evans did not see Hunter holding a firearm. The deputies began firing rounds at the car and Evans jumped into the back seat to avoid being struck. While rounds were still being fired, Evans tapped Hunter on his left side and felt the handle of a gun. When the gunfire ended, Evans, who had been struck by several rounds, exited the vehicle and fell onto the ground.

LEGAL ANALYSIS

California law permits the use of deadly force in self-defense or in the defense of others if it reasonably appears to the person claiming the right of self-defense or the defense of others that he actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. Penal Code § 197; *People v. Randle* (2005) 35 Cal.4th 987, 994 (overruled on another ground in *People v. Chun* (2009) 45 Cal.4th 1172, 1201); *People v. Humphrey* (1996) 13 Cal.4th 1073, 1082; *see also,* CALCRIM No. 505.

In protecting himself or another, a person may use all the force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. CALCRIM No. 3470. If the person's beliefs were reasonable, the danger does not need to have actually existed. *Id.*

"Where the peril is swift and imminent and the necessity for action immediate, the law does not weigh in too nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety." *People v. Collins* (1961) 189 Cal.App.2d 575, 589.

"The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than the 20/20 vision of hindsight....The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation." *Graham v. Conner* (1989) 490 U.S. 386, 396-397.

"[U]nder the doctrine of transferred intent, self-defense may also apply where the defendant intends to injure or kill the person who poses the threat, but inadvertently kills an innocent bystander instead." *People v. Curtis* (1994) 30 Cal.App.4th 1337, 1357. "[T]he doctrine of self-defense is available to insulate one from criminal responsibility where his act, justifiably in self-defense, inadvertently results in the injury of an innocent bystander." *People v. Matthews* (1979) 91 Cal.App.3d 1018, 1024.

CONCLUSION

The evidence examined in this investigation shows that Geremy Evans was the passenger in a car driven by Antoine Hunter, when Hunter made a U-turn at the intersection of Rosecrans Boulevard and Long Beach Boulevard and sped away on Rosecrans Boulevard. Hunter's driving caught the attention of Deputies and Gregory Rodriguez because Hunter backed up his vehicle to complete the U-turn. and Rodriguez began to follow Hunter and observed him make an abrupt left turn into a residential neighborhood in front of two oncoming vehicles, causing both vehicles to brake to avoid a collision. After waiting for the traffic to clear, and Rodriguez continued to follow Hunter and Evans through the residential neighborhood. Hunter drove through a posted stop sign at the intersection of Sloan Street and Elm Street, and and Rodriguez activated the patrol car's overhead emergency lights and the passenger spotlight. A short vehicle pursuit ensued, resulting in Hunter driving through another posted stop sign, driving eastbound in the westbound lane of traffic and eventually crashing into a car parked at the northeast corner of Palmer Street and Poinsettia Avenue.

Rodriguez stopped the patrol car on the driver's side of Hunter's vehicle, with the front bumper of the patrol car nearly even with Hunter's rear bumper. and Rodriguez exited the patrol car and drew their service weapons. Rodriguez ran around towards the passenger side of Hunter's car while stood behind the opened passenger side door of the patrol car. Rodriguez and repeatedly yelled for Hunter and Evans to stop, to not move and show their hands as Hunter revved his engine, backed his car into the passenger side of the patrol car and rocked the vehicle back and forth.

As Hunter drove his car in reverse, the front end of his vehicle turned into the patrol car, causing the passenger door to partially close and pinning between the door and the frame of the patrol car. As Hunter reversed his vehicle, stood approximately two feet away from Hunter in the driver's seat. observed Hunter reaching towards his waistband with both hands. Hunter continued to drive in reverse and rev his engine. Rodriguez observed pull out what appeared to be the butt of a handgun. In reasonable fear of death or great bodily injury, fired at Hunter. In reasonable fear of death or great bodily injury to his partner, Rodriguez also fired at Hunter. ran to the rear of Hunter's vehicle, and and Rodriguez again commanded Hunter and Evans not to move. Hunter revved his engine again, and and Rodriguez fired additional rounds at Hunter. At some point during the incident, Evans was struck by gunfire and moved into the back seat of the vehicle. Evans' shooting was inadvertent and occurred as and Rodriguez were defending themselves and each other against the threat posed by Hunter.

Given the rapidly evolving, life threatening situation that confronted Deputies [redacted] and Rodriguez, we conclude that they acted lawfully in self-defense and defense of others. We are therefore closing our file and will take no further action in this matter.

Very truly yours,

JACKIE LACEY
District Attorney

By

KIMBERLY TONEY
Deputy District Attorney
(213) 974-3888

c: Deputy [redacted] #[redacted]
Deputy Gregory Rodriguez, #[redacted]